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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

February 23, 1998

Hon. Magalie Roman Galas  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, DC 20554

Re: New York Department of Public Service Petition  
for Expedited Waiver of 47 C.F.R. 52.19(c)(3)(ii)  
CC Docket No. 96-98, NSD File No. L-98-03

Dear Secretary Galas:

Enclosed are an original and four copies of the information requested in the February 12, 1998 letter of Geraldine A. Matise in the above-noted proceeding. We are providing all of the factual data requested by the Commission for the 212 area code (Manhattan), but we are still gathering some of the data for the 718 area code (Brooklyn, the Bronx, Queens and Staten Island). Needless to say, we will provide this information as soon as it becomes available.

Inasmuch as all of the information requested on the 718 area code is not available and the 718 area code should not exhaust before December 1998, we would ask the Commission to withhold judgment on our waiver request for the 718 area code until the remaining information is provided. We continue to urge the Commission, however, to review our waiver request for the 212 area code on an expedited basis.

Sincerely,

*Lawrence G. Malone*

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Question 1:       How Many rate centers are there in the 718 area  
code?

Response:       There are 13 primary rate centers in the four  
boroughs (the Bronx, Brooklyn, Queens and Staten  
Island) served by the 718 area code.

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- Question 2: (a) How many competitive local exchange carriers (CLECs) are certified to provide service in the 212 area code?
- (b) How many are providing service?

- Response: (a) As of February 20, 1998, there are 30 facilities-based local exchange carriers certified to operate throughout New York State. Since the New York Public Service Commission has certified these carriers to operate throughout the State of New York, they are authorized to operate in the 212 area code. There are also over 633 carriers certified, statewide, to resell local exchange telephone service. In addition, there are approximately 44 wireless service providers operating in the City of New York.
- (b) Based on service quality and other data provided to NYDPS staff, eight CLECs are currently providing service in the 212 area code (i.e., AT&T, TCG, MCI, WinStar, Time Warner, Cablevision Lightpath, Frontier Local Services, and RCN). Seven additional CLECs (i.e., ACC National Telecom, Allegiance Telecom, Focal Communications, Intermedia Communications, Metropolitan Telecom, MFS Intelenet and XCOM Technologies) have been assigned NXXs in the 212 area code and plan to begin providing service in the 212 area code in the near future. Marketing plans of the remaining CLECs are not available.

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- Question 3: (a) How many CLECs are certified to provide service in the 718 area code?
- (b) How many are providing service?

- Response: (a) As indicated in response to question 2(a), there are 30 facilities-based local exchange carriers certified as of February 20, 1998 in the 718 area code and throughout New York State. Since the New York PSC has certified these carriers to operate throughout the State of New York, they are authorized to operate in the 718 area code. There are also over 633 carriers certified, statewide, to resell local exchange telephone service. In addition, there are approximately 44 wireless service providers operating in the City of New York.
- (b) Based on service quality and other data provided to NYDPS staff, four CLECs are currently providing service in the 718 area code (AT&T, RCN, TCG, and WinStar). Nine additional CLECs (i.e., ACC National Telecom, Allegiance Telecom, Cablevision Lightpath, Focal Communications, Frontier Local Services, MFS Intelenet, Time Warner, MCI and XCOM Technologies) have been assigned NXXs in the 718 area code and plan to begin providing service in the 718 area code in the near future. Marketing plans of the remaining CLECs are not available.

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- Question 4: (a) How many NXXs have been assigned in the 212 area code to CLECs?
- (b) How many NXXs have been assigned in the 212 area code to the incumbent local exchange carrier (ILEC)?

- Response: (a) The February 1998 Local Exchange Routing Guide (LERG) shows 112 NXX codes in the 212 area code assigned to CLECs. The LERG generally shows active codes and does not necessarily reflect recent assignments. Two additional NXXs have been assigned to CLECs but have not yet been reflected in the LERG.
- (b) The February 1998 LERG shows 625 NXX codes in the 212 area code assigned to the ILEC. One additional NXX has been assigned to the ILEC but has not yet been reflected in the LERG.

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- Question 5:
- (a) How many NXXs have been assigned in the 718 area code to CLECs?
  - (b) How many NXXs have been assigned in the 718 area code to the ILEC?

- Response:
- (a) The February 1998 LERG shows 94 NXX codes in the 718 area code assigned to CLECs. The LERG generally shows active codes and does not necessarily reflect recent assignments. One additional NXX has been assigned to a CLEC but has not yet been reflected in the LERG.
  - (b) The February 1998 LERG shows 498 NXX codes in the 718 area code assigned to the ILEC. Three additional NXXs have been assigned to the ILEC but have not yet been reflected in the LERG.



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Question 6: For each assigned NXX in each area code, please specify the contamination rate and the carrier to which it is assigned.

Response: Although all carriers providing facilities-based local exchange service in the 212 area code were asked to provide utilization data, not all have done so. Five (AT&T, MCI, Cablevision Lightpath, Bell Atlantic - NY and ACC Telecom) have requested trade secret protection of this data. However, for those carriers (i.e., WinStar, Time Warner, RCN, TCG and Frontier Local Services) that did not request trade secret protection of such utilization data, it is appended to this response. The data generally addresses number utilization within each NXX, as requested in the question and does not address 1,000 block usage (except for two carriers, RCN and Time Warner). Carriers who provided data to the NYDPS staff with a request for trade secret protection are being contacted to ascertain if their number utilization data can be released to the Commission and other parties to this proceeding. Upon receiving their consent, or a ruling by the NYPSC's Records Access Officer that the data should be in the public domain, NYDPS staff will provide this information to the Commission.

Inasmuch as the 212 area code was in extraordinary jeopardy of exhaust before relief could be planned, NYDPS staff focussed its data gathering efforts and analysis on the 212 area code. Since relief for the 718 area code follows relief for the 212 area code, NYDPS staff is gathering similar information for area code 718 as well and, upon receipt, will provide this information to the Commission.

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Question 7: If most or all of the 1000 number blocks in an NXX are contaminated, how will pooling help to alleviate competitive concerns?

Response: In the 212 area code, there are numerous NXXs with overall utilization rates so low that there is an ample supply of 1000 number blocks with less than 10% contamination. These NXXs include those assigned to CLECs as well as the ILEC. Pooling of these NXXs will immediately alleviate any competitive concerns. Finally, the contamination threshold for pooling purposes may be increased gradually, thus, making additional NXXs and 1000 number blocks poolable to further alleviate competitive concerns. In the final analysis, and if individual number pooling is achieved, all NXXs will be pooled and all carriers will have non-discriminatory access to all numbering resources. However, this depends, in large measure, upon the emergence of a national consensus on individual number pooling. Gradual transition from pooling of 1000 numbers with 10% contamination to individual number pooling will ensure uninterrupted supply of 212 numbers to all carriers at all times.

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Question 8: Is there permissive ten-digit dialing when calling within the 212, 718, and 917 area codes?

Response: Currently, all intra-NPA dialing for landline carriers is restricted by the industry in New York to a 7-digit dialing format. On the other hand, the technology used by wireless carriers allows both 7 and 10-digit dialing for intra-NPA calls.

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Question 9: Will there be permissive ten-digit dialing for calls within the new NPAs?

Response: Yes, if the waiver petition is granted and ten-digit dialing is not mandated, it is envisioned that there will be permissive 10-digit dialing for intra-NPA calls in the new NPAs (646 for Manhattan and 347 for the other boroughs), as well as in the existing NPAs (212 for Manhattan and 718 for the other boroughs).

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Question 10: Does the New York Commission still anticipate that all available NXX codes will be exhausted in the 212 area code by June 1998, the 718 area code by early 1999, and the 917 area code by 1999?

Response: The anticipated exhaust date for the 212 area code currently is June 1998 due to code assignment rationing resulting from the implementation of extraordinary jeopardy measures. The most current estimated exhaust dates for the 718 and 917 area codes are early 1999 and later in 1999, respectively.

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Question 11: Will the 646 area code still be activated as an overlay for Manhattan April 1, 1998?

If not, what is the revised date?

Response: Although the New York PSC's December 10, 1997 Order in Case No. 96-C-1158 specified an April 1, 1998 date for activation of the 646 overlay area code for Manhattan, Bell Atlantic (NY) notified the NYPSC by a letter dated January 9, 1998 (copy attached) that the April 1, 1998 activation date is unachievable for the reasons stated in the letter. It has suggested September 1, 1998, as the earliest viable activation date, pending the Commission's decision in this proceeding.

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Question 12: Will the 347 area code be activated as an overlay for Brooklyn, the Bronx, Queens, and Staten Island effective January 1, 1999?

If not, what is the revised date?

Response: The New York PSC's December 10, 1997 Order in Case No. 96-C-1158 specified a January 1, 1999 activation date for the 347 NPA to overlay the 718 NPA for Brooklyn, the Bronx, Queens and Staten Island. The actual activation date may be contingent, however, on the date of the Commission's decision in this proceeding, inasmuch as a resolution of the issue of 7-digit/10-digit dialing of intraNPA calls is needed before the switches in these boroughs can be appropriately programmed and the new area code can be activated.

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Question 13: (a) What is the revised date the New York Commission expects number pooling to be implemented in Manhattan?

(b) With which area code(s) will number pooling be used?

Response: (a) In its December 10, 1997 Order in Case No. 96-C-1158, the NYPSC expressed its anticipation that number pooling should be available in Manhattan (the 212 area code, initially) by April 1, 1998 and throughout the City (the 718 area code, initially) by January 1, 1999. Collaborative discussions among Local Exchange Carriers (incumbent and competing) and NYDPS staff concerning the architecture of number pooling are currently ongoing. A consensus towards 1,000 number block pooling (with contamination levels of up to 10%) is emerging. Some CLECs (such as AT&T, MCI, TCG and Time Warner) have indicated to the NYDPS staff that from a technical, operational and administrative point of view they are prepared to pool their numbers during the second quarter of 1998. However, at this point, it is not certain if all LECs will have the underlying technical platforms, administrative and operational procedures in place to join the number pool when it is first implemented. NYDPS staff and industry collaborative discussions on these issues are continuing.

(b) As discussed above, number pooling will begin initially with area code 212, followed by area code 718. Other New York City area codes will be added to the number pool as capacity and technical considerations permit.



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- Question 14
- (a) What is the revised date the New York Commission expects number pooling to be implemented in Brooklyn, the Bronx, Queens, and Staten Island?
  - (b) With which area code(s) will number pooling be used?

- Response:
- (a) As stated in the NYPSC's December 10, 1997 Order in Case No. 96-C-1158, it is anticipated that number pooling will become available in the boroughs of Brooklyn, the Bronx, Queens and Staten Island by January 1, 1999 or, soon thereafter. We have no firm basis upon which to estimate if there would be any delay in the implementation of number pooling in these boroughs.
  - (b) Initially, it is anticipated that pooling will be limited to the 718 area code. As the Service Control Point database capacity is expanded, other area codes (such as 347) would be added to the number pool. However, addition of 917 to the number pool would depend upon the wireless carriers first implementing number portability and, then, making other administrative, operational and technical changes necessary for number pooling.

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- Question 15: (a) Describe with specificity the pooling method that will be used for New York City.
- (b) Is the pooling method the same for each area code?

Response: (a) The general consensus of local exchange carriers in New York is to initially offer 1,000 number block pooling (with contamination levels of up to 10%). The method is likely to be port-on demand. However, a national consensus that, in the long run, individual number pooling should be the objective, could emerge in the future. Accordingly, a gradual transition could be made from 1,000 number block pooling (with up to 10% contamination) to individual number pooling in the long run.

In essence, number pooling is viewed as a dynamic process/algorithm, which could gradually evolve into an individual number pooling environment.

- (b) Yes, we envision that number pooling will be used in all area codes, using the same method.

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Question 16: How are you evaluating potential Service Control Point (SCP) database capacity problems with number pooling?

How would the pooling plan address these concerns?

Response: The Service Control Point (SCP) database capacity issues are being addressed by first limiting number pooling to old or existing area codes (such as first, 212; then, 718). Second, by initially choosing 1,000 number block pooling with up to 10% contamination, the SCP database capacity problems will be ameliorated. Third, as the SCP capacity is expanded, number pooling could be expanded to other area codes, as necessary, and the level of contamination could be raised. Also, the industry has determined that the use of port-on-demand minimizes SCP capacity concerns by only populating the Number Portability Administration Center (NPAC) database when numbers are assigned to customers. In addition, it is expected that enhancements to the NPAC database will allow for more efficient data representation (i.e., number ranges rather than individual number storage during the second half of 1998).

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Question 17: When will permanent number portability be implemented in New York City?

Response:

Number Portability is currently being implemented throughout New York City on a phased basis in accordance with the schedule developed by Bell Atlantic (NY) based on FCC requirements and priorities established by the NYDPS staff based on competing Local Exchange Carrier's requests. These priorities reflect the marketing plans and strategies of CLECs who have chosen to compete first in lower and mid-town Manhattan. Number portability became available in 6 offices on November 30, 1997; in 12 offices on December 31, 1997; and 14 offices on January 31, 1998. It is expected that 14 additional offices will have number portability available by February 28, 1998; another 11 by March 31, 1998; and finally the three remaining offices will have number portability by April 30, 1998. Number portability, therefore, will be available throughout New York City by the end of April 1998.